



US Army Corps  
of Engineers

## **FUSRAP** Formerly Utilized Sites Remedial Action Program

***“Public Health  
and Safety are the  
U.S. Army Corps  
of Engineers’  
Highest Priorities”***

# FACT SHEET

## **Protecting Public Health and the Environment — Regulations**

The professionals at the U.S. Army Corps of Engineers (Corps) are committed to protecting the public’s health and restoring the environment. To do this the Corps carefully follows all relevant laws as well as the spirit and intent of the implementing regulations. Cleanup at Formerly Utilized Sites Remedial Action Program (FUSRAP) sites primarily involves radioactive contaminated soil and building debris. Cleanup standards are based on evaluation of information such as the source of contamination, types of contaminants, land use, and whether any federal or state laws or regulations set standards for contaminants at the sites. Major Federal laws and regulations impacting the Corps cleanup of FUSRAP sites are listed below.

### **Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Regulations and Implementing Federal Regulations**

The Corps undertakes all cleanups of FUSRAP sites under this law and the implementing regulation titled the National Contingency Plan (NCP). This regulation is found in 40 Code of Federal Regulations (CFR) 300. This plan outlines requirements for cleaning up a site including:

- notification and coordination with the public and regulators;
- determining areas of contamination;
- determining risks posed by contaminants;
- identifying cleanup levels;
- evaluating different methods for cleaning up the site;
- selecting the method of cleanup; and
- documenting the decision.

When cleaning up a FUSRAP site, this law requires protection of human health and the environment. It also requires compliance with all Applicable or Relevant and Appropriate Requirements (ARARs) under state and federal environmental laws unless specifically waived.

Other factors required to be taken into consideration when evaluating cleanup alternatives include:

- long-term effectiveness and permanence;
- reduction of toxicity, mobility, or volume through treatment;
- short-term effectiveness;
- ability to implement;
- cost;
- state acceptance; and
- community acceptance.

### **Uranium Mill Tailings Radiation Control Act (UMTRCA) Regulations and Implementing Federal Regulations**

This law applies to residual radioactivity at licensed uranium mill sites and at specifically listed inactive mill sites. Though not applicable to FUSRAP sites, these regulations may be considered relevant and appropriate to on-site actions involving uranium or thorium mill tailings at some of the program sites.

- **Subpart A** contains design requirements for the control of disposal areas for tailings resulting from processing or extraction of uranium which are located at the processing site or adjacent properties. This regulation also contains groundwater protection requirements for disposal sites.

**Restoring the Environment is the U.S. Army Corps of Engineers’ Ultimate Goal.**

**For more information, call (202) 761-1806, U.S. Army Corps of Engineers—Office of Public Affairs.**

- **Subpart B** contains cleanup standards for land and buildings and adjacent properties contaminated with residual radioactivity from processing ore for uranium.
- **Subpart C** addresses implementation of Subparts A and B and contains requirements for applying site specific supplemental standards in lieu of strict compliance with Subparts A and B in limited circumstances.
- **Subpart D** contains criteria for restoration of licensed uranium by-product processing and disposal areas.
- **Subpart E** contains criteria for restoration of licensed thorium by-product processing and disposal areas.

### **Hazardous Material Transportation Act Regulations and Implementing Federal Regulations**

This law specifies marking, labeling, packaging, and shipping paper requirements for FUSRAP wastes that meet a U.S. Department of Transportation hazard class. They also specify training and certification requirements for employees dealing with hazardous materials.

Not all FUSRAP wastes are regulated by the Department of Transportation. The hazard classes most likely to apply to program wastes are:

- **Hazard Class 7**, radioactive materials. These are shipments with a specific activity greater than 0.002 microcuries per gram.
- **Hazard Class 9**, miscellaneous hazardous materials. The specific activity of much of FUSRAP waste is not high enough to be considered Class 7 radioactive material. This material may still be regulated by the Department of Transportation as a Class 9, miscellaneous hazardous material. This would occur if the total activity in a single container exceeds a specific standard or the material contains a Resource Conservation and Recovery Act (RCRA) regulated hazardous waste. Program waste shipments made in large volume containers, such as railcars, are the most likely to require Class 9 regulation.

Program material not regulated by the Department of Transportation is still tracked for accountability. The Corps uses a chain-of-custody form to track shipments when no other shipping document is required by U.S. Department of Transportation or other agencies.

### **Nuclear Regulatory Commission (NRC) Regulations and Implementing Federal Regulations**

Criteria for managing FUSRAP wastes may also be found in Nuclear Regulatory Commission regulations. These regulations contain requirements for restricted and unrestricted future use regarding termination of a Commission license through decommissioning. These regulations may be applicable or relevant and appropriate requirements when cleaning up certain program sites. Also, Nuclear Regulatory Commission requirements in 10 CFR 40 Appendix A, regarding design of uranium mill tailing disposal facilities, and remediation of uranium or thorium processing facilities, may also be considered relevant and appropriate to the FUSRAP.

### **Resource Conservation and Recovery Act (RCRA) Regulations and Implementing Federal Regulations**

This Act may apply to solid waste from program sites if the sites are contaminated with hazardous wastes. RCRA imposes duties on generators, transporters and operators of hazardous waste management facilities. These regulations are found in 40 CFR 260-268 and address:

- treatment;
- storage;
- disposal; and
- manifesting requirements.

Altogether, these laws and regulations ensure that necessary public health protection and safety measures are taken, and the environment is restored to acceptable levels of cleanup at FUSRAP sites. These laws, however, are not all inclusive. As part of the Comprehensive Environmental Response Compensation and Liability Act requirements, the Corps requests support from agencies such as state or the EPA to identify potential ARARs. This ensures that the Corps properly considers all state and federal regulatory requirements when performing cleanup projects under this program.